

ESTTA Tracking number: **ESTTA585588**

Filing date: **02/04/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	GAMETIME PRODUCTION LLC
Granted to Date of previous extension	02/12/2014
Address	505 W. Baseline RoadApt1105 Tempe, AZ 85283 UNITED STATES
Correspondence information	JungJin Lee Attorney Lee, Lee & Associates, P.C. 2531 Jackson Rd. Ste 234 Ann Arbor, MI 48103 UNITED STATES jj@trademarklawyerlawfirm.com Phone:866-400-2507

Applicant Information

Application No	76714164	Publication date	10/15/2013
Opposition Filing Date	02/04/2014	Opposition Period Ends	02/12/2014
Applicant	CAMPOS, ARIANA SOTO 23536 BELMONT CR, SALINAS, CA 93908 USX		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: T-SHIRTS, PANTS

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	85946989	Application Date	05/31/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	WE SWEAT GREATNESS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2013/04/03 First Use In Commerce: 2013/04/03 Short-sleeved or long-sleeved t-shirts;T-shirts; T-shirts for adults, teens, and babies

Attachments	85946989#TMSN.jpeg(bytes) CAMPOS.ARIANA.Opposition.vFINAL.pdf(365779 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/jjl/
Name	JungJin Lee
Date	02/04/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Gametime Production LLC)	
Opposer,)	Opposition No. _____
)	In the Matter of
v.)	Serial No. 76714164
)	Mark: "WE SWEAT GREATNESS"
Ariana Soto Campos,)	
Applicant.)	
)	

NOTICE OF OPPOSITION

Opposer, Gametime Production LLC ("Opposer"), an Arizona Limited Liability Company, having its principal place of business at 505 W. Baseline Road, Apt1105 Tempe ARIZONA 85283, believes it will be damaged by the registration of "WE SWEAT GREATNESS" by Ariana Soto Campos ("Applicant") as applied for in Application Serial Number 76714164 and hereby petitions to Oppose said Application. The Intent to Use Application was filed by Applicant on May 16, 2013, for the mark "WE SWEAT GREATNESS" in International Classes 025 for *T-SHIRTS, PANTS*.

As grounds for Opposition, it is alleged that:

1. Opposer is the owner of the Trademarks SWEATING GREATNESS, Registration No. 4389818 (Exhibit A) in International Class 025 for *T-shirts, Short-sleeved or long-sleeved t-shirts, T-shirts for babies, adults, children, women, and men*; I SWEAT GREATNESS, Serial No. 85946993 (Exhibit B) in International Class 025 *Athletic apparel, namely, shirts, pants, jackets, footwear, hats and*

caps, athletic uniforms; and WE SWEAT GREATNESS, Serial No. 85946989 (Exhibit C) in International Class 025 *Short-sleeved or long-sleeved t-shirts; T-shirts; T-shirts for adults, teens, and babies*; collectively known as “GAMETIME TRADEMARKS” and which have been in use continuously as early as September 25, 2012.

2. Opposer applied for a registered federal trademark for WE SWEAT GREATNESS, serial number 85946989, for *Short-sleeved or long-sleeved t-shirts; T-shirts; T-shirts for adults, teens, and babies* on May 31, 2013.
3. Opposer received an office action on September 16th, 2013, stating that the application may be refused registration due to Applicant's prior pending Trademark application "WE SWEAT GREATNESS" for *T-SHIRTS, PANTS*, Application No. 76714164, which was filed on May 16, 2013, and Publish for Opposition on October 15, 2013.
4. Opposer's alleged date of first use, April 13, 2013. Applicant filed her application as Intent to Use with no first use in commerce date.
5. The goods for which Applicant has filed the application for "WE SWEAT GREATNESS" mark and the goods for which of Opposer has applied to register the WE SWEAT GREATNESS are the same.
6. The goods for which Applicant has filed the application for "WE SWEAT GREATNESS" mark and the goods for which of Opposer has applied to register the WE SWEAT GREATNESS are likely to be sold through the same or otherwise overlapping channels of trade.
7. Opposer's WE SWEAT GREATNESS mark and Applicant's "WE SWEAT GREATNESS" mark are similar in appearance, sound and commercial impression.
8. On information and belief, Applicant's use and registration of "WE SWEAT GREATNESS" in connection with the above-noted goods in Class 025 is likely to cause confusion, mistake or deception by having the public erroneously assume or believe that the goods emanate from Opposer, or that they are endorsed, licensed or sponsored by, or in some other way associated

or connected with Petition, in view of Opposer's prior use of the WE SWEAT GREATNESS and related marks, all to Opposer's irreparable damage.

9. For the reasons set forth in ¶¶ 1-8, Opposer believes and asserts that it will be damaged by the registration of the mark in Application No. 76714164 "WE SWEAT GREATNESS." Accordingly, Opposer prays that this petition be granted and that Application No. 76714164 - "WE SWEAT GREATNESS " mark for the goods set forth in Application No. 76714164 be denied registration.

The fee of \$300 is enclosed.

Opposer hereby appoints the law firm of Lee, Lee & Associates, P.C., and its members, all attorneys licensed to practice in Michigan, to act as attorneys for Opposer with full power to prosecute this Notice of Opposition and to transact all relevant business with the United States Patent and Trademark Office and to Receive all official communications in connection with this Notice of Opposition.

Dates this 4th day of February, 2014.

Respectfully Submitted,
Gametime Production LLC

By: /JungJin Lee/
JungJin Lee, Esq.
Attorney for Applicant

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I certify that the foregoing paper is being filed electronically via the Electronic System for Trademark Trials and Appeals (ESTTA).

Date: February 4th, 2014

/JungJin Lee/
JungJin Lee

CERTIFICATE OF SERVICE

I hereby certify that on February 4th, 2014, a true and correct copy of the foregoing Notice For

Opposition was served upon:

Ms. Ariana Soto Campos
23536 Belmont Cr.
Salinas CA, 93908

By First Class Mail addressed to the address listed above.

February 4th, 2014

/JungJin Lee/
JungJin Lee

United States of America

United States Patent and Trademark Office

SWEATING GREATNESS

Reg. No. 4,389,818

Registered Aug. 20, 2013

Int. Cl.: 25

TRADEMARK

SUPPLEMENTAL REGISTER

GAMBLING PRODUCTIONS LLC (ARIZONA LIMITED LIABILITY COMPANY) DBA
SWEATING GREATNESS,
1440 E. BROADWAY ROAD, A1087
TEMPE, AZ 85382

FOR: T-SHIRTS, SHORT-SLEEVED OR LONG-SLEEVED T-SHIRTS, T-SHIRTS FOR BABIES,
ADULTS, CHILDREN, WOMEN, AND MEN, IN CLASS 25 (U.S. CLS. 22 AND 29).

FIRST USE 9-1-2012; IN COMMERCE 9-25-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-753,629; FILED PR. 10-14-2012; AM. S.R. 7-15-2013.

KRISTINA MORRIS, EXAMINING ATTORNEY



Kristina Morris
Acting Director of the United States Patent and Trademark Office

I SWEAT GREATNESS

Word Mark	I SWEAT GREATNESS
Goods and Services	IC 025. US 022 039. G & S: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; T-shirts. FIRST USE: 20120904. FIRST USE IN COMMERCE: 20120925
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85946993
Filing Date	May 31, 2013
Current Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) GAMETIME PRODUCTION LLC DBA SWEATING GREATNESS / I SWEAT GREATNESS / WE SWEAT GREATNESS LIMITED LIABILITY COMPANY ARIZONA 505 W. Baseline Road, Apt 1105 Tempe CALIFORNIA 85283
Prior Registrations	4389818
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

We Sweat Greatness

Word Mark	WE SWEAT GREATNESS
Goods and Services	IC 025. US 022 039. G & S: Short-sleeved or long-sleeved t-shirts; T-shirts; T-shirts for adults, teens, and babies. FIRST USE: 20130403. FIRST USE IN COMMERCE: 20130403
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85946989
Filing Date	May 31, 2013
Current Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) GAMETIME PRODUCTION DBA I SWEAT GREATNESS and SWEATING GREATNESS LIMITED LIABILITY COMPANY ARIZONA 505 W. Baseline Road, Apt1105 Tempe ARIZONA 85283
Attorney of Record	JungJin Lee
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE